



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,518	09/30/2005	John S. Thirkettle	4838WG-7	4320
22442	7590	11/28/2006	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202				WONG, STEVEN B
		ART UNIT		PAPER NUMBER
		3711		

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

Office Action Summary	Application No.	Applicant(s)	
	10/535,518	THIRKETTLE ET AL.	
	Examiner Steven Wong	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 May 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3-28-06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gustine (5,776,014). Regarding claims 1-3, Gustine discloses golf tee device comprising a tee member (32, 28) that is movable within a holder member (22). Gustine discloses the use of threads on the screw (28) for preventing movement between the tee member and the holder member on striking of a golf ball supported by the tee member.

Regarding claims 8 and 9, Gustine provides a stop member (26) which engages the tee member to prevent full insertion thereof (note Figure 1). The tee member (32, 28) is longer than the holder member (22).

Regarding claim 10, Gustine provides a nut (30) that engages the stop nut (26) and indicates when the tee has reached its maximum workable height.

3. Claims 1-3 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sibbald (1,413,496). Regarding claims 1-3, Sibbald discloses a golf tee comprising a tee member (14) that is movable within a holder member (10, 12). Sibbald discloses the use of threads (15) on the tee member (14) that engage threads (13) on the holder member (10, 12). The threads prevent movement between the tee member and the holder member on striking of a golf ball supported by the tee member.

Regarding claims 8 and 9, note lines 55-60 stating that the tee member is turned slightly over so that it is not fully inserted within the holder member. Further as shown in Figure 2, the tee member (14) is longer than the holder member (10, 12).

Regarding claims 10 and 11, note lines 60-66 stating that the holder member includes an inwardly directed shoulder to prevent removal of the tee member from the holder member. This inwardly directed shoulder provides a means for indicating when the tee member is at its maximum workable height when it engages the topmost part of the threading of the tee member.

4. Claims 1-3 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ullerich (5,248,144). Regarding claims 1-3, Ullerich discloses a golf tee comprising a tee member (13) that is movable within a holder member (11, 12). Ullerich discloses the use of threads on the members to adjust the height of the tee. The threads prevent movement between the members on striking of a golf ball supported by the tee member.

Regarding claims 8 and 9, note Figure 3 showing the length of the tee member greater than that of the holder member. Further, the bottom of the holder member prevents full insertion of the tee member within the holder member.

Regarding claims 10 and 11, the topmost part of threads provided on the tee member are inherently capable of indicating when the tee is at its maximum workable height. For example, when the threads reach a particular height above the top surface of the holder member they could inherently indicate the maximum workable height.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3711

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustine (5,776,014) in view of Wing (4,907,926). Wing discloses a fastener system comprising buttressed threads. Not column 1 of Wing stating the numerous advantages of using buttressed threads. It would have been obvious to one of ordinary skill in the art to form the threads of Gustine as buttressed threads for the reasons advanced by Wing.

Regarding the particular limitations for the angles of the threading, these limitations are considered to be obvious given the teachings of Wing and the lack of a showing of a new and unexpected result obtained therefrom.

7. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sibbald (1,413,196) in view of Wing (4,907,926). It would have been obvious to one of ordinary skill in the art to form the threads of Sibbald as buttressed threads for the reasons advanced by Wing.

Regarding the particular limitations for the angles of the threading, these limitations are considered to be obvious given the teachings of Wing and the lack of a showing of a new and unexpected result obtained therefrom.

8. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullerich (5,248,144) in view of Wing (4,907,926). It would have been obvious to one of ordinary skill in the art to form the threads of Ullerich as buttressed threads for the reasons advanced by Wing.

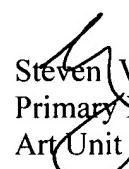
Regarding the particular limitations for the angles of the threading, these limitations are considered to be obvious given the teachings of Wing and the lack of a showing of a new and unexpected result obtained therefrom.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Steven Wong
Primary Examiner
Art Unit 3711

SBW
November 20, 2006